

Before the Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)

Petition for Rulemaking of the) RM-_____
National Association of Broadcasters to Permit)
AM Radio Stations' Use of FM Translators) MB Docket No. _____

COMMENT BY C.R. COMMUNICATIONS, INC.
LICENSEE OF KTNC RADIO, FALLS CITY, NE
ON PETITION FOR RULEMAKING OF THE
NATIONAL ASSOCIATION OF BROADCASTERS

C.R. Communications, Inc., licensee of KTNC Radio, Falls City, NE, hereby requests to have its comments included in the record for consideration in the matter of the petition for rulemaking of the National Association of Broadcasters requesting the Commission initiate a rulemaking proceeding to amend the rules to allow AM broadcast stations to operate FM translator stations. Specifically the NAB has requested that AM stations be permitted to license and/or use FM translators to retransmit their AM service as a fill-in service, so long as no portion of the 60 dBu contour of the FM translator exceeds the lesser of either the 2 mV/m daytime contour of the AM station or a circle with its center at the AM transmitter site and a radius of 25 miles. This relief would help AM stations to provide consistent services throughout their daytime operating contour. C.R. Communications, Inc. supports the NAB request that the Commission modify such rules, as appropriate, to effectuate grant of this Petition.

Statement of Interest.

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C.R. Communications, Inc. has been the licensee of KTNC Radio, 1230 khz, Falls City, NE since August 1, 1981. KTNC has served listeners in a mainly agricultural area in Southeast Nebraska, Northeast Kansas, and Northwest Missouri continuously since August 1957. KTNC presently operates 24 hours a day with 500 watts of power during the day and 1000 watts at night. The petition by NAB would dramatically improve the ability of KTNC to provide consistent service throughout its daytime operating contour during both daytime and nighttime hours of operation.

This Petition Would Correct Inequalities of Treatment of AM Broadcasters

C. R. Communications, Inc. believes that in addition to those factors addressed by the NAB, there are other compelling reasons why its petition should be accepted. C.R. Communications, Inc. sees as an opportunity for the FCC to correct several inequalities it has created in the treatment of AM broadcasters.

The FCC has granted commercial FM stations and VHF and UHF television broadcasters to build translators. FM licensees have been granted translators in the FM. VHF broadcasters have been permitted to build translators in the UHF band. Public radio stations have been permitted to originate programming in studios shared by AM and FM stations and rebroadcast this programming without producing local content on unmanned satellite stations which are essentially translator stations. Only AM licensees have been prohibited from building translators in a band in which their programming originates and in the case of some public broadcasters it would be often difficult to conclude in which band the programming originates.

The only present remedy for AM broadcasters to improve daytime and/or night- time service in their existing market area is to seek a new AM or FM allotment which is at best a risky process. An inequality was created when the FCC adopted the auction process as a means to determine which of competitive applicants should be granted construction permits for new allotments. The AM broadcaster is at a competitive disadvantage to bidders who have no broadcast interests in the area to be served and therefore are granted bidding credits. If the AM broadcaster is a small business, such as ours, it is placed at an even greater competitive disadvantage. Larger businesses have the ability to raise more capital and may obtain a license and support its operations from another division or licensed facility of the same company. The end result of seeking a new allotment may be loss of business to a new competitor. Allowing AM licensees to build FM translators, not subject to the auction process, will correct this disparity.

Allowing AM broadcasters to improve daytime and/or nighttime will also correct a present disparity that exists in the treatment of AM and FM licenses. Digital broadcast technology has been approved for FM broadcasters but so far only for daytime AM operation due to problems experienced during testing of the technology. While solutions are being sought to these problems, at this time only allowing AM broadcasters to operate FM translators is a certain solution to the problems.

Time is Ripe for the Commission to Consider this Petition

C.R. Communications commends the NAB for the manner in which it's petition clearly points out the ways in which AM radio has fulfilled the Communication Act's mandate that the Commission manage the nation's airwaves to be used to "serve the public interest and necessity".

We know from personal experience the difficulties of serving listeners, especially at night, because of the propagation characteristics of the AM band which cause substantially increased interference among AM broadcasts at night. Our station, even with additional power during evening hours, is unable to provide a reliable signal at night to the communities we serve during the daytime for such important services as news, weather, sports, and farm markets and for broadcast of such important events to these communities as baseball, basketball, and football games and election return broadcasts.

Interference experienced by KTNC has not remained the same but has increased both daytime and nighttime as the result of the proliferation of AM stations and the ineffective regulation of devices sold and in common use in the United States, many of which produce spurious emissions which interfere with stations on the AM broadcast band. My cellular phone battery charger interferes with AM reception in my two vehicles. My station's signal is but obliterated by a bad transformer on the east side of Falls City and by motors, transformers, or other electrical devices near a manufacturing plant in Sabetha, KS, and by a high voltage line near Brownville, NE. Listeners have reported experiencing reception problems due to power lines along highways, fluorescent lights, computer terminals, and other electronic devices.

It is our contention that the FCC should seek repeal or prevent or forestall the implementation of Energy Policy Act of 2005, Public Law 109-58 as the act interferes with the mandate of the Commission to regulate public broadcasting in the public interest and/or provide such relief as is sought by the NAB petition. Implementation of Daylight Savings Time three weeks earlier starting on the second Sunday of March 2007 will have a significantly damaging impact on commercial broadcasters on the AM band as these broadcasters will experience substantial sky-wave interference during their "morning drive time", reducing their service to the public and the revenue stream resulting from advertising in this important portion of the broadcast day.

C.R. Communications, Inc. agrees with and supports the contention by the NAB that the time is now ripe for the Commission's consideration of a fresh record on whether AM radio stations should be allowed to license and/or operate FM translators to provide consistent service over their coverage area. Granting this Petition will foster the Commission's policy goals of promoting competition, diversity, and localism.

Conclusion

For the reasons sated above, C.R. Communications, Inc. respectfully requests that the Commission grant the NAB Petition for Rulemaking to allow AM radio stations to license and/or operate FM translators as a fill-in service, to enhance the audio quality of AM service, where necessary, and to

enable AM stations to better compete in the ever-changing media marketplace.

Respectfully submitted,

C.R. Communications, Inc.

Licensee of KTNC Radio

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cc: Lawrence A. Walke

Dated: August 22, 2006